



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,121	12/23/1998	HIROSHI TANAKA	2091-0182P-S	2219

7590 09/26/2003

BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ROSENDALE, MATTHEW L

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 09/26/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/219,121

Applicant(s)

TANAKA, HIROSHI

Examiner

Matthew L Rosendale

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 8,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments regarding claims 1 – 16, filed 7/9/03 have been fully considered but they are not persuasive.

The applicant argues that the combination of Allen and Walker of claim 4 and the combination of Allen, Walker, and Inoue of claims 1 – 3 and 5 fails to teach or suggest certifying an order by recording confirmed order information in the recording medium when a predetermined order confirmation operation indicating that the order confirmation has been completed is accepted. The applicant states on page 6, first paragraph of the amendment that the combination of Allen and Walker of claim 4 and the combination of Allen, Walker, and Inoue of claims 1 – 3 and 5 is invalid because the order confirmation number, which the examiner refers to as the confirmed order information of claims 1 - 5, is generated by the service provider and not the user as disclosed in the specification.

The examiner points out however, that there is no limitation in claims 1 - 5 directed to having the user generate the confirmed order information. Therefore to meet the confirmed order information limitation of claims 1 – 5, the confirmed order information can be generated by any source as long as it is recorded in the same medium as the image and print data. Allen teaches transmitting image and print data to a remotely located service provider and storing said data on a recording medium at the service provider. Walker teaches generating an order confirmation number to store with said data when the image and print data is received. Therefore the combination of Allen and Walker teach or suggest all limitations of claim 4 and

Art Unit: 2612

the combination of Allen, Walker, and Inoue teach or suggest all limitations of claims 1 – 3 and 5 so the art rejection of claims 1 – 7 and 9 – 14 is maintained.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Walker.

Referring to claim 4, Allen discloses an order receiving apparatus 34 in figure 1 comprising a data reading means being a wireless transceiver for receiving image and order data from the recording medium 22 of the camera that has been transmitted to the order-receiving unit by the wireless transceiver 32 of the camera. The central processing unit 37 of the order receiving unit 34 certifies whether or not order instructions have been received, and instructs the various output devices of the order receiving apparatus 34 such as the printer 42 and removable media recording device 48 to operate according to the certified print instructions.

Allen does not disclose that the certifying means certifies order information by determining whether or not data representing that the user has confirmed the data is present with the order information. However, Walker discloses a method of capturing electronic order information and generating an order code otherwise known as an order confirmation number or

Art Unit: 2612

purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

2. Claims 1 – 3, 5 – 7, and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Inoue in further view of Walker.

Referring to claim 1, Allen discloses an order processing method used in an image output service comprising a digital camera 10 in figure 1 that allows the user to capture an image and input print specifying information by speaking into a microphone 24 located on the camera and having the user's voice commands interpreted by a processing unit 29. The voice commands are certified when the user inputs the verbal command "Transmit" shown in Table 1 column 3, line 55 – column 4, line 13. When the user inputs the "Transmit" command, the image file is then transmitted to the image fulfillment server for printing by the printer 42 automatically, according to the print instructions stored in the image file header.

Allen does not record order confirmation data in the image file header when the "Transmit" command is input by the user. However, Walker discloses a method of capturing

Art Unit: 2612

electronic order information and generating an order code otherwise known as an order confirmation number or purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen and Inoue so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

Allen also discloses a viewfinder to use while capturing an image, but does not show a means for confirming order content by displaying the image data and corresponding print and order data using the viewfinder or another display device to certify the print order information. However this feature is well known as taught by Inoue. Inoue discloses in figure 7 that the digital image data can be displayed along with the print specifying information so the user can confirm and specify print information.

Therefore it would have been obvious to disclose the display means of Inoue with the image capture and print specifying system of Allen to provide a means of displaying the image and print data to confirm by the user that both the image and print data are correct before the data is sent for processing.

Art Unit: 2612

3. Referring to claim 2, Allen discloses an order processing method used in an image output service comprising a digital camera 10 in figure 1 that allows the user to capture an image and input print specifying information by speaking into a microphone 24 located on the camera and having the user's voice commands interpreted by a processing unit 29. The voice commands are certified when the user inputs the verbal command "Transmit" shown in Table 1 column 3, line 55 – column 4, line 13. When the user inputs the "Transmit" command, the image file is then transmitted to the image fulfillment server for printing by the printer 42 automatically, according to the print instructions stored in the image file header.

Allen does not record order confirmation data in the image file header when the "Transmit" command is input by the user. However, Walker discloses a method of capturing electronic order information and generating an order code otherwise known as an order confirmation number or purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen and Inoue so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

Allen also discloses a viewfinder to use while capturing an image, but does not show a means for confirming order content by displaying the image data and corresponding print and

Art Unit: 2612

order data using the viewfinder or another display device to certify the print order information. However this feature is well known as taught by Inoue. Inoue discloses in figure 7 that the digital image data can be displayed along with the print specifying information so the user can confirm and specify print information.

Therefore it would have been obvious to disclose the display means of Inoue with the image capture and print specifying system of Allen to provide a means of displaying the image and print data to confirm by the user that both the image and print data are correct before the data is sent for processing.

4. Referring to claim 3, Allen discloses an order processing method used in an image output service comprising a digital camera 10 in figure 1 that allows the user to capture an image and input print specifying information by speaking into a microphone 24 located on the camera and having the user's voice commands interpreted by a processing unit 29. The voice commands are certified when the user inputs the verbal command "Transmit" shown in Table 1 column 3, line 55 – column 4, line 13. When the user inputs the "Transmit" command, the image file is then transmitted to the image fulfillment server for printing by the printer 42 automatically, according to the print instructions stored in the image file header.

Allen does not record order confirmation data in the image file header when the "Transmit" command is input by the user. However, Walker discloses a method of capturing electronic order information and generating an order code otherwise known as an order confirmation number or purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as

Art Unit: 2612

confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen and Inoue so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

Allen also discloses a viewfinder to use while capturing an image, but does not show a means for confirming order content by displaying the image data and corresponding print and order data using the viewfinder or another display device to certify the print order information. However this feature is well known as taught by Inoue. Inoue discloses in figure 7 that the digital image data can be displayed along with the print specifying information so the user can confirm and specify print information.

Therefore it would have been obvious to disclose the display means of Inoue with the image capture and print specifying system of Allen to provide a means of displaying the image and print data to confirm by the user that both the image and print data are correct before the data is sent for processing.

5. Referring to claim 5, Allen discloses a digital camera 10 in figure 1 that allows the user to capture an image and input print specifying information by speaking into a microphone 24 located on the camera and having the user's voice commands interpreted by a processing unit 29. The voice commands are certified when the user inputs the verbal command "Transmit" shown

Art Unit: 2612

in Table 1 column 3, line 55 – column 4, line 13. When the user inputs the “Transmit” command, the image file is then transmitted to the image fulfillment server for printing by the printer 42 automatically, according to the print instructions stored in the image file header.

Allen does not record order confirmation data in the image file header when the “Transmit” command is input by the user. However, Walker discloses a method of capturing electronic order information and generating an order code otherwise known as an order confirmation number or purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen and Inoue so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

Allen also discloses a viewfinder to use while capturing an image, but does not show a means for confirming order content by displaying the image data and corresponding print and order data using the viewfinder or another display device to certify the print order information. However this feature is well known as taught by Inoue. Inoue discloses in figure 7 that the digital image data can be displayed along with the print specifying information so the user can confirm and specify print information.

Therefore it would have been obvious to disclose the display means of Inoue with the image capture and print specifying system of Allen to provide a means of displaying the image and print data to confirm by the user that both the image and print data are correct before the data is sent for processing.

6. Referring to claim 6, Allen discloses a verbal command "Erase" listed in Table 1 (Col. 3, Line 55 – Col. 4, Line 13) that deletes an image file, including the header file of the image data containing the print order instructions thereby canceling the order, when input to the voice recognition module 30 by the user.

7. Referring to claim 7, Allen discloses a verbal command "Erase" listed in Table 1 (Col. 3, Line 55 – Col. 4, Line 13) that deletes an image file, including the header file of the image data containing the print order instructions thereby canceling the order, when input to the voice recognition module 30 by the user. If the user captures one image to memory and generates order instructions for that image, then deletes that image file, the user is deleting all image data that output of which has been instructed along with the order information stored in the image header file.

8. Referring to claim 10, Allen does not record order confirmation data in the form of a date to be stored in the image file header when the "Transmit" command is input by the user.

However, storing an order confirmation date is well known as taught by Walker. Along with an

Art Unit: 2612

order confirmation code 48 in figure 2B, Walker also records an order date 54 representing the date at which payment for the order has been received (Col. 6, Lines 33 – 46).

Storing an order date as another confirmation code is useful as a means to provide confirmation to the user and the merchant that payment has been received to avoid any billing disputes. Therefore it would have been obvious to store a confirmation date with the order information of Allen so as to provide proof of payment to the user and the image fulfillment center.

9. Referring to claim 11, Allen does not record order confirmation data in the form of a code to be stored in the image file header when the “Transmit” command is input by the user. However, Walker discloses a method of capturing electronic order information and generating an order code otherwise known as an order confirmation number or purchase number, when the user confirms an order by transmitting it to an order fulfillment center. The order confirmation number of Walker is sent to the user as confirmation that the order has been received and is stored along with the order, as shown in figure 2B, as a unique identifier allowing the user to track an order by presenting the tracking number to the merchant (Col. 6, Lines 33 – 46 and Col. 10, Lines 15 – 24).

Therefore it would have been obvious to use the confirmation order number of Walker with the camera/printer system of Allen and Inoue so the user can receive confirmation from the fulfillment center that the order has been received and so that orders may be tracked to ensure they are completed, on time and correctly.

Art Unit: 2612

10. Referring to claim 12, Allen discloses that images are recorded as image files in the camera's memory 22. Order information is generated when the user inputs verbal commands as listed in table 1 of column 3, line 55 to column 4, line 13, into the voice recognition module 30 of the camera in figure 1. Verbal commands are interpreted and append in the image file header as order information to be carried out by the image fulfillment center (Col. 4, Line 14 – Col. 5, Line 18).

11. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Inoue in further view of Walker in further Slotznick.

Referring to claim 13, Walker discloses an electronic order system that allows a user to submit electronic orders to a fulfillment center. Walker does not specifically disclose an urging means for carrying out a display prompting an order confirmation. However, Slotznick discloses an electronic order system with a graphic interface comprising an order confirmation means. Figures 4, 6 and 7 of Slotznick show an order screen where a user selects details of the items being ordered, shipping information, billing information, etc. In the bottom middle portion of the order window, an urging means is provided and labeled, "Save This Order", prompting the user to confirm the order information input on the order screen.

Therefore it would have been obvious to display an urging means as shown by Slotznick on the camera display of the camera/printer system of Allen and Inoue and the order confirmation system of Walker to provide a means for the user to confirm their order.

Art Unit: 2612

12. Referring to claim 14, Slotznick discloses a display message in figures 6 and 7 urging the user to confirm order information output on a display monitor. Therefore it would have been obvious to display an urging means as shown by Slotznick on the camera display of the camera/printer system of Allen and Inoue to provide a means of confirming when an order has been completed by the user.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Inoue in further view of Walker in further view of Mathers.

Referring to claim 9, the voice commands of Allen are certified when the user inputs the verbal command “Transmit” shown in Table 1 column 3, line 55 – column 4, line 13. When the user inputs the “Transmit” command, the image file is then transmitted to the image fulfillment server for printing by the printer 42 automatically, according to the print instructions stored in the image file header.

When the camera system of Allen confirms an order, it is not specified that the read/write property of the image file is set to read-only. However, Mathers teaches that important data stored in a media may be protected by being set to read-only so as to maintain data integrity (Col. 4, Lines 20 – 30). As with the camera of Allen, once a user confirms the image and print data, the user is acknowledging that all information is correct and the file no longer needs to be appended.

As a way of protecting the user’s order, it would have been obvious to set the image file to read-only as taught by Mathers, when the order has been confirmed by the user, so as to

Art Unit: 2612

maintain the data integrity of the user's order so as to avoid incorrect orders due to unauthorized or accidental changes in the order file of the image file.

14. Claims 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Inoue in further view of Walker in further view of Parulski et al in further view of Wantanabe.

Referring to claim 17, the combination of Allen, Inoue, and Walker fails to teach or suggest a recording mode means for enabling a selection of a printing mode wherein in the printing mode the photographing means is set at maximum resolution.

Parulski discloses that it is well known to provide a photographing means having multiple modes of image capture. The camera system as shown in figure 1 of Parulski comprises a mode select 20 on the operator control unit allowing the user to toggle the operation of the photographing means between a low resolution mode of image capture where the object image is captured in standard NTSC format and a high resolution mode of image capture where pixel signals of the entire pixel sensor are used to pick up a quality still image (Col. 2, Lines 1 – 31).

Therefore it would have been obvious to provide the resolution modes of Parulski with the image capture system of Allen, Inoue, and Walker so that the user may capture a moving image or high quality still image.

Parulski does not disclose that the high resolution still mode is a print mode. However, Wantanabe discloses that it is well known to provide a printing means for producing hard copies of captured still images. In addition Wantanabe also discloses that when capturing an image for

Art Unit: 2612

printing, it is ideal that the captured image be high resolution (Col. 1, Lines 28 – 44 and Col. 16, Lines 23 – 50).

Therefore it would have been obvious to one of ordinary skill in the art as taught by Wantanabe, to use the high resolution mode of Parulski as a printing mode so that the user captures images in the best quality when it is intended that they be reproduced by printing means and that the normal resolution mode of Parulski be designated as the non-printing mode because as taught by Wantanabe, the user would desire a high resolution in a image if it is being printed.

15. Referring to claim 18, Parulski discloses a non printing mode of image capture where moving images are captured in a low resolution NTSC format (Col. 2, Lines 1 – 31). Parulski also discloses an alternative embodiment where an HTDV image sensor is used to obtain the still images for the print mode and the motion images of the non-print mode. According to Parulski, motion images could be provided by selecting high quality non compressed HTDV format or low resolution NTSC format by using a down-conversion compressing the HDTV signal to a standard definition format (Col. 1, Lines 43 – 54).

Claim Objections

Claims 8, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 8, the prior art fails to show a certifying means that certifies an order by setting a hidden property of the order file to visible.

• Art Unit: 2612

Referring to claim 15, the prior art fails to show displaying the operation urging message for a predetermined period after an operation to switch off the power to the digital camera, then switches the power off after the predetermined period of time elapses.

Referring to claim 16, the prior art fails to show an operation urging means carrying out the display of the order confirmation prompt when the recording medium is pulled out from the body of the digital camera.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki discloses a selecting means 120 in figure 1 for manually selecting a compression rate of a captured image.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

• Art Unit: 2612


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L Rosendale whose telephone number is (703) 305-4909. The examiner can normally be reached on Monday - Friday 8: 00am-4: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.

MLR
September 12, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600